

THE TOWN COUNCIL OF ROYAL LEAMINGTON SPA

STANDING ORDERS

**(To be presented for formal adoption at Council
meeting on 26th May 2015)**

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STANDING ORDERS & CODE OF CONDUCT

1. MEETINGS

- 1.1 Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
- 1.2 Smoking is not permitted at any Meeting of the Council.
- 1.3 All meetings of the Council shall be convened by the publication of the Agenda with no less than three days between publication and the date of the meeting. The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.

2. THE STATUTORY ANNUAL MEETING

2.1 The Annual Town Council Meeting shall:

in an election year be held on or within 14 days following the day on which the Councillors elected take office; and

in a year which is not an election year, be held on such day in May as the Council may direct.

- 2.2 **In addition to the Meetings specified in 2.1 above, at least three other statutory Meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

3. CHAIR OF THE MEETING

- 3.1 **The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.**

4. PROPER OFFICER (Delegation to Clerk)

- 4.1 Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, s/he shall be the Clerk or nominated officer:-
 - a) To receive declarations of acceptance of office;
 - b) To receive and record notices disclosing interests at meetings.
 - c) To receive and retain plans and documents.
 - d) To sign notices or other documents on behalf of the Council
 - e) To receive copies of bylaws made by another local authority.
 - f) To certify copies of bylaws made by the Council.

- g) To sign and issue the summons to attend meetings of the Council.
- h) To keep proper records for all Council Meetings.

5. QUORUM OF THE COUNCIL

- 5.1 **Three Members, or one third of the total Membership, whichever is the greater, shall constitute a quorum at Meetings of the Council.**
- 5.2 If a quorum is not present or, if during a meeting the numbers of Councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the Meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chair may fix.
- 5.3 For a quorum relating to a Committee or Sub-Committee, see Standing Order No. 25.2

6. VOTING

- 6.1 **If a Member so requires, the Clerk shall record the names of the Members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**
- 6.2 **Subject to 6.3 and 6.4 below, the Chair may give an original vote on any matter put to the vote, and in any case of an equality of votes, may give a casting vote whether or not s/he gave an original vote.**
- 6.3 **If the person presiding at the annual meeting would have ceased to be a Member of the Council but for the statutory provisions which preserve the membership of the Chair and Vice Chair until the end of their term of office, s/he may not give an original vote in an election for Chair.**
- 6.4 **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.**

7. ORDER OF BUSINESS

- 7.1 **At each Annual Council Meeting, the first business shall be:-**
 - a) **To elect the Mayor of the Council who will act as Chair.**
 - b) **To receive the Chair's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
 - c) **In the ordinary year of election of the Council, to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
 - d) **To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the Council which have not been received as provided by law, shall be received.**
 - e) **To elect a Deputy Mayor of the Council who will act as Vice-Chair.**

- f) In the Ordinary year of election of the Council, to appoint Members to Committees and Sub-Committees.
 - g) **After consideration, to approve the signature of the Minutes of the previous Meeting of the Council by the person presiding, as a correct record.**
- 7.2 **At every meeting other than the Annual Town Council Meeting, the first business shall be to appoint a Chair if the Chair and Vice-Chair be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
- 7.3 In every year, not later than the Meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order No. 19 must be read in conjunction with this requirement.
- 7.4 After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:
- a) **To deal with business expressly required by statute to be done.**
 - b) To dispose of business, if any, remaining from the last Meeting.
 - c) To receive such communications as the person presiding may wish to lay before the Council.
 - d) To receive and answer questions from Members of the Public.
 - e) To answer questions from Councillors.
 - f) To receive and consider Reports and Minutes of Committees.
 - g) To receive and consider resolutions or recommendations in the order in which they have been notified.
 - h) To authorise the sealing of documents.
 - i) If necessary, to authorise the signing of orders for payment.
 - j) To read and consider the Minutes provided that if a copy has been circulated to each Member not later than the day of issue of the summons to attend the Meeting, the Minutes may be taken as read.
 - k) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**

8. URGENT BUSINESS

- 8.1 A motion to vary the order of business on the ground of urgency:
- a) May be proposed by the Chair or by any Member and, if proposed by the Chair, may be put to the vote without being seconded, and
 - b) shall be put to the vote without discussion.

9. MOTIONS MOVED ON NOTICE

- 9.1 Except as provided by these Standing Orders, no motion may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 5 clear days before the next Meeting of the

Council.

- 9.2 The Clerk shall date every notice of motion or recommendation when received, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every Member of the Council.
- 9.3 The Clerk shall insert in the summons for every Meeting, all notices of motion or recommendation properly given in the order in which they have been received, unless the Member giving a notice of motion has stated in writing that s/he intends to move at some later meeting or that s/he withdraws it.
- 9.4 If a motion or recommendation specified in the summons is not moved either by the Member who gave notice of it or by any other Member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 9.5 If the subject matter of a motion comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committee or to such other Committee as the Council may determine for report; provided that the Chair, if s/he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 9.6 Every motion or recommendation shall be relevant to some subject over which the Council has power or duties which affects its area.

10. MOTIONS MOVED WITHOUT NOTICE

- 10.1 Motions dealing with the following matters may be moved without notice:
- a) To appoint a Chair of the meeting.
 - b) To correct the Minutes
 - c) To approve the Minutes.
 - d) To alter the order of the business.
 - e) To proceed to the next business.
 - f) To close or adjourn the debate.
 - g) To refer a matter to a Committee.
 - h) To appoint a Committee or any Members thereof.
 - i) To adopt a Report.
 - j) To authorise the sealing of documents.
 - k) To amend a motion.
 - l) To give leave to withdraw a resolution or amendment.
 - m) To extend the time limit for speeches.
 - n) To exclude the Press and Public (see Standing Order No. 35).
 - o) To silence or eject from the meeting a member named for misconduct (see Standing Order No. 15).
 - p) To give the consent of the Council where such consent is required by these Standing Orders.
 - q) To suspend any Standing Order.
 - r) To adjourn the Meeting.

11. QUESTIONS

- 11.1 A Member may ask the Chair of the Council or the Clerk any question concerning the business of the Council, provided 3 clear days notice of the question has been given to the person to whom it is addressed.
- 11.2 No questions not connected with business under discussion shall be asked except during the part of the Meeting set aside for questions.
- 11.3 Every question shall be put and answered without discussion. Where the reply to the question cannot be conveniently given orally, a written answer shall be given in which case a copy of the response to the questioner shall be sent to all Members of the Council.
- 11.4 A person to whom a question has been put may decline to answer.

12. PREPARATION OF AGENDA

- 12.1 An item of business may be placed on the Agenda by a Member of Council provided that a minimum of 5 clear days notice is given to the Proper Officer.

13. RULES OF DEBATE

- 13.1 No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chair.
- 13.2 A motion or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chair, be reduced to writing and handed to him/her before it is further discussed or put to the Meeting.
- 13.3 A Member when seconding a motion or amendment may, if s/he then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
- 13.4 A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
- 13.5 No speech shall exceed 5 Minutes in length, except with the consent of the Council.
- 13.6 An amendment shall not have the effect of negating the motion before the Council.
- 13.7 If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 13.8 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- 13.9 The mover of a motion or of an amendment shall have a right of reply, not exceeding 5 Minutes.

- 13.10 The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on the amendment.
- 13.11 A Member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.
- 13.12 A Member may speak on a point of order or a personal explanation. A Member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood. In speaking on a point of order, the Member must specify to which part of these Standing Orders his speech is directed.
- 13.13 A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no Member may speak upon it after permission has been asked for its withdrawal, unless such permission has been refused.
- 13.14 When a motion is under debate, no other motion shall be moved, except the following:
- a) To amend the motion.
 - b) To proceed to the next business
 - c) To adjourn the debate.
 - d) That the question be now put.
 - e) That a Member be not further heard.
 - f) That a Member named does leave the Meeting.
 - g) That the resolution be referred to a Committee.
 - h) To exclude the Press and Public.
 - i) To adjourn the Meeting.
- 13.15 A Member shall remain seated when speaking unless requested to stand by the Chair.
- 13.16 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.
- 13.17 Members shall address the Chair.
- 13.18 Whenever the Chair speaks during a debate all other Members shall be silent.

14. **CLOSURE**

- 14.1 At the end of any speech a Member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chair shall put the motion but, in the case of a motion “that the question be now put”, only if s/he is of the opinion that the question before the Council has been sufficiently debated.

If the motion “that the question be now put” is carried, s/he shall call upon the mover to exercise or waive his/her right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

15. **DISORDERLY CONDUCT**

- 15.1 **All Members must observe the Code of Conduct which was adopted by the Council at the Meeting on 12th July 2012 a copy of which is annexed to these Standing Orders.**

- 15.2 No Member shall at a Meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

- 15.3 If, in the opinion of the Chair, a Member has acted in a manner contrary to that required, the Chair shall express that opinion to the Council and thereafter any Member may move that the Member named shall be no longer heard or that the Member named do leave the meeting, and that the motion, if seconded, shall be put forthwith and without discussion. **If a Member reasonably believes another Member is in breach of the code of conduct that Member is under a duty to report the breach to the the Monitoring Officer**

- 15.4 If the motion mentioned in paragraph 15.3 is disobeyed, the Chair may adjourn the Meeting or take such further steps as may reasonably be necessary to enforce them.

16. **ALTERATION OF A RESOLUTION**

- 16.1 A Member may, with the consent of his/her seconder, move amendments to his/her own resolution.

17. **RESCISSION OF PREVIOUS RESOLUTION**

- 17.1 No motion to rescind any resolution passed within the preceding six months and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless written notice thereof bears the names of at least 6 Members of the Council or by a motion moved in pursuance of the report or recommendation of a Committee.

- 17.2 When a special resolution or any other resolution moved under the provisions of paragraph 17.1 of this Order has been disposed of, no similar resolution may be moved within a period of a further six months.

18. VOTING ON APPOINTMENTS

- 18.1 Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

19. DISCUSSION AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 19.1 If at a Meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or Committee (as the case may be) has decided whether or not the press and public shall be excluded. (see Standing Order No. 35).

20. RESOLUTIONS ON EXPENDITURE

- 20.1 Any motion which, if carried, would, in the opinion of the Chair substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any Committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of the Council, and any Committee affected by it shall consider whether it desires to report thereon.

21. EXPENDITURE

- 21.1 **Following authorisation under Financial Regulation 5, the Council, Policy and Resources Committee or if so delegated, the Clerk/RFO, shall give instruction that a payment shall be made.**
- 21.2 **Cheques or orders for payment shall be signed by two Members of the Council. Payments by variable direct debit, standing order and automated means will be transacted in accordance with the requirements set out in Financial Regulation 6, whereby all such payments are signed and evidenced by two members of the Council and reported subsequently to the Council..**

22. EXECUTION AND SEALING OF DOCUMENTS

- 22.1 A document shall not be executed/sealed on behalf of the Council unless it has been authorised by a resolution.
- 22.2 Any two Members of the Council named in a resolution moved under the provisions of paragraph 22.1 of this Order may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

23. COMMITTEES AND SUB-COMMITTEES

- 23.1 The Council may at its Annual Town Council Meeting appoint Standing Committees and may at any other time appoint such other Committees as are necessary, but subject to any statutory provision in that behalf:

- a) Shall not appoint any Member of a Committee so as to hold office later than the next annual meeting;
- b) May appoint persons other than Members of the Council to any Committee other than a Committee that regulates and controls the finances of the Council;
- c) May, subject to the provisions of Standing Order No.17 above, at any time alter the membership of a Committee; and.
- d) Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

23.2 Every Committee shall at its first Meeting before proceeding to any other business, elect a Chair and elect a Vice Chair who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.

24. EXTRAORDINARY MEETINGS

24.1 The Chairman of the Council may convene an extraordinary meeting of the Council at any time.

If the Chairman of the Council does not, or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.

24.2 The above provision apply equally to Extraordinary meetings of the Council's Standing Committees

25. SUB-COMMITTEES

25.1 Every Committee may appoint Sub - Committees for purposes to be specified by the Committee.

25.2 Except where ordered by the Council in the case of a Committee, or by the Council or by the appropriate Committee in the case of a Sub-Committee, the quorum of a Committee or Sub Committee shall be one half of its members.

25.3 The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of Members in contracts and other matters shall apply to Committee and Sub-Committee meetings.

26. ADVISORY COMMITTEES

26.1 The Council may create advisory Committees, whose name and number of Members and the bodies to be invited to nominate Members shall be specified.

26.2 The Clerk shall inform the Members of each advisory Committee of the Terms of Reference of the Committee.

26.3 An advisory Committee may make recommendations and give notice thereof to the Council.

26.4 An advisory Committee may consist wholly of persons who are not Members of the Council.

27. VOTING IN COMMITTEE

27.1 The Chair of Committees and Sub-Committees shall in the case of an equality of votes have a second or casting vote.

28. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

28.1 A Member who has proposed a motion which has been referred to any Committee of which s/he is not a Member, may explain his resolution to the Committee but shall not vote.

29. ACCOUNTS AND FINANCIAL STATEMENT

29.1 Except as provided in paragraph 29.2 of this Standing Order, or by statute, all accounts for payment and claims upon the Council shall be laid before the Council or the Council's Policy and Resources Committee..

29.2 Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the Council for all items over £5,000;
- a duly delegated Committee of the Council for items up to £5,000; or
- the Clerk, in conjunction with Chairman of Council or Chairman of the Policy and Resources Committee, for any items up to £2500.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman.

29.3 All payments authorised under paragraph 29.2 above, shall be separately included in the next schedule of payments before the Council.

29.4 The Responsible Financial Officer (RFO) shall complete the annual financial statements of the Council as soon as practicable after the end of the financial year and shall submit them and report thereon to the Policy and Resources Committee and Council.

The RFO shall be responsible for completing the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and shall submit the Annual Return for approval and authorisation by the Council within the timescale set by the Accounts and Audit Regulations, 1996.

30. ESTIMATES/PRECEPTS

- 30.1 The Council shall review the budget not later than the end of January each year and shall issue the precept to the billing authority and shall supply each Member with a copy of the approved budget.
- 30.2 Each Committee shall formulate and submit proposals to the Council in respect of revenue and capital including the use of reserves and all sources of funding for the following financial year not later than the end of December each year.

31. DECLARATION OF INTERESTS AT MEETINGS

Unless a dispensation has been granted (see Standing order 31.6 below) the following provisions shall apply.

- 31.1 **Where a matter arises at a meeting which relates to disclosable pecuniary interest a Member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is, if it is not already entered in the Member's register of interests, or if he/she has not notified the Monitoring officer of it**
- 31.2 **Where a matter arises at a meeting which relates to a disclosable pecuniary interest which is a sensitive interest, the Member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring officer, the member shall disclose he/she has an interest but not the nature of it.**
- 31.3 **Where a matter arises at a meeting which relates to an interest described in the Code of Conduct as "other interest" the Member shall not vote on the matter. He/she may speak on the matter in those instances where members of the public are also allowed to speak.**
- 31.4 **A member only has to declare his/her interest in a matter, other than a disclosable pecuniary interest, if it is not already entered in his/her register of interests or he/she has not notified the Monitoring officer of it or if he/she speaks on the matter. If he/she holds an interest in such a matter which is also a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.**
- 31.5 **Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person defined within the Code as a disclosable pecuniary interest) the Member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a sensitive interest the member shall declare the interest but not the nature of it.**
- 31.6 **Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required. A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or Committee or Sub-Committee for which the dispensation is**

required and that decision is final.

31.7 A dispensation request shall confirm:

- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- iv. an explanation as to why the dispensation is sought.

31.8 Subject to standing orders 31.6 and 31.7 above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.

31.9 A dispensation may be granted in accordance with standing order 31.6 above if having regard to all relevant circumstances the following applies:

- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
- ii. granting the dispensation is in the interests of persons living in the council's area or
- iii. it is otherwise appropriate to grant a dispensation.

32. CANDIDATES FOR APPOINTMENT

32.1. If a candidate for any appointment under the Council is to his/her knowledge related to any Member of, or the holder of any office under, the Council, s/he and the person to whom s/he is related shall disclose the relationship in writing to the Clerk. A candidate who fails to do so shall be disqualified for such appointment, and, if appointed, may be dismissed without notice.

32.2 The Clerk shall report to the Council or to the appropriate Committee any such disclosure. Where relationship to a Member is disclosed, this Standing Order shall apply.

32.3 The Clerk shall make known the purpose of this Standing Order to every candidate.

33. CANVASSING OF MEMBERS

33.1 Canvassing of Members of the Council or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purpose of this subparagraph of this Standing Order to every candidate.

33.2 A Member of the Council or of any Committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion.

33.3 Notwithstanding the provisions of paragraph 32.2 above, any Member of the Council may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

33.4 Standing Orders Nos. 32.1 and 33 shall apply to tenders for the supply of goods and services as if the person making the tender were a candidate for appointment.

34. **INSPECTION OF DOCUMENTS**

34.1 A Member may for the purpose of his duty as such (but not otherwise) inspect any document in possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

34.2 **All Minutes kept by the Council and by any Committee shall be open for the inspection of any Member of the Council.**

35. **UNAUTHORISED ACTIVITIES**

35.1 No Member of the Council or of any Committee or Sub-Committee shall in the name of, or on behalf of, the Council:

- a) inspect any lands or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions

unless authorised to do so by the Council or the relevant Committee or Sub-Committee.

36. **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

36.1 **The Public and Press shall be admitted to all meetings of the Council and its Committees and Sub-Committees, unless specifically excluded by means of the following resolution:**

"That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be excluded from the Meeting and they are instructed to withdraw".

36.2 The Clerk shall afford to the Press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present.

36.3 Audio and visual recordings of a meeting of the Council, Committees and other Council bodies by the general public, or the media, is permitted. It would be helpful if those wishing to record could contact the Council before the meeting so that it can ensure the necessary facilities are in place. The Town Mayor (or the Chairman of the meeting) will advise the public that the meeting is being recorded. A request to record a meeting shall only be refused if the Town Mayor believes recording would disrupt the meeting.

The purpose of this standing order is to provide guidance for members of the press, or public, on the taking of photographs and/ or the audio / visual recording of any Council meeting which is held in public.

- 36.4 There are no restrictions on anyone at a Council meeting using Twitter, blogs, Facebook or similar social media provided that the Town Mayor does not consider their actions are disrupting the proceedings of the meeting.

37. PUBLIC QUESTION TIME AT MEETINGS OF THE COUNCIL AND ITS STANDING COMMITTEES

- 37.1 Members of the Public will be allowed at each Meeting of the Council and Meetings of the Standing Committees of the Council to make representations, answer questions or give evidence on the business to be transacted.
- 37.2 Notification of participation in the public session should be submitted in writing to the Town Clerk prior to commencement of the meeting. The period allowed for public participation, including representations by Members of the Council with a prejudicial interest, shall not exceed 30 minutes, except with the consent of the Council or relevant Committee. In the case of there being a significant number of representations which would exceed the time available to deal with them, the Council (or Committee) will allocate time equally between individual Members of the public and Councillors with a prejudicial interest.
- 37.3 Where representations are to be made by Members of the Council (or Committee) with an interest defined in the Code of Conduct as “other interest” in the business to be transacted, these will be heard before any representations or evidence from the members of the public. Immediately after making these representations, answering questions or giving evidence, the Members of the Council with an interest shall leave the meeting taking no further part in the discussion.
- 37.4 Each representation, answer to a question or item of evidence shall not exceed five minutes, subject to the discretion of the Chair.
- 37.5 Each representation, answer to a question or item of evidence must be directed through the Chair who may request another Member, or the Town Clerk, to respond as appropriate.
- 37.6 Where a written representation or question is submitted and the author is not present at the Meeting, the Town Clerk, will be asked to read the relevant communication. The answer may take the form of the following:
- a) a direct oral response; or
 - b) where the desired information is contained in a publication of the Council, reference to that publication; or
 - c) where the reply cannot conveniently be given orally, a written answer will be provided to the member of the public subsequent to the Meeting.

A reply shall be notified in writing to the member of the public if she/he is not present at the Meeting.

- 37.7 The Chair will disallow any representation which in his opinion is scurrilous, improper, capricious, irrelevant or otherwise objectionable.
- 37.8 If a Member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that she/he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

38. CONFIDENTIAL BUSINESS

- 38.1 No Member of the Council or of any Committee or Sub-Committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the Committee or the Sub-Committee as the case may be.
- 38.2 Any Member in breach of the provisions of this Sanding Order shall be removed from any Committee or Sub-Committee of the Council by the Council.

39. COUNTY AND DISTRICT COUNCILLORS

- 39.1 A summons and Agenda for each Meeting shall be sent, together with an invitation to attend, to the County and District Councillors for the appropriate Division and Wards comprising the Parish of Royal Leamington Spa.

40. PLANNING APPLICATIONS

- 40.1 The Clerk shall, as soon as it is received, enter in a book kept for the purpose, the following particulars of every planning application notified to the Council:
- a) the date on which it was received;
 - b) the name of the applicant;
 - c) the place to which it relates.
- 40.2 The Book shall be available for inspection by every Member of the Council.

41. FINANCIAL MATTERS AND CONTRACTS

- 41.1 The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer. The Financial Regulations of the Council shall be subject to regular review, at least once every two years.
- 41.2 Such regulations shall include detailed arrangements for the following:
- a) the accounting records and systems of internal control;
 - b) the assessment and management of risks faced by the Council;
 - c) the work of the Internal Auditor and the receipt of regular Reports from the Internal Auditor which shall be required at least annually;
 - d) the financial reporting requirements of Members and local electors; and;
 - e) procurement policies including the setting of values for different

procedures where the contract has an estimated value less than £
£60,000.

42. CONTRACTS

42.1 Every contract made by, or on behalf of, the Council shall comply with these Standing Orders, and no exception from any of the provisions shall be made, otherwise than by direction of the Council.

42.2 Every Contract made by, or on behalf of the Council shall comply with the European Union Procurement Directive , any relevant Directives of the EU and any statutory provisions for the time being in force in the United Kingdom.

42.3 Estimates

Before entering into a Contract for the execution of any work which is estimated to exceed £3,000, in value or amount, -three estimates, in writing, of the probable expense of executing the work in a suitable manner shall be obtained .

42.4 Tendering procedure

No contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured unless either:

(I) Ad-hoc tenders

At least 14 days public notice has been given in one or more local newspapers circulating in the area of the Authority, and in such trade journals as the Responsible Financial Officer has considered desirable, stating the nature and purpose of the contract, inviting tenders for its execution, and stating the last date when Tenders will be accepted; or

(II) Standing approved list

Tenders that have been invited from amongst a list of those persons who have been invited by public notice given in the manner described in (I) above, to have their names placed on a list of persons able and willing to Tender for contracts for the supply of goods or materials of specified categories, values or amounts, or for the execution of specified categories of works; this list shall:

- a) be compiled and maintained by the Responsible Financial Officer
- b) contain the names of all persons who wish to be included in it and are approved by the Council;
- c) indicate whether a person whose name is included in it is approved for contracts for all, or only some of the specified values or amounts or categories, and:
- d) be amended as required from time to time, and reviewed following public notice in the manner described in (I) above at intervals of not less than one nor more than three years.

42.5 Numbers of Tenders

In the case of approved or ad-hoc lists, tenders shall be sought from not less than four persons or bodies so listed for a contract of the relevant category and amount or value or, if there are fewer than four persons or bodies so approved, from all of them.

42.6 Exceptions to Tendering Procedures

Nothing in these Standing Orders shall require Tenders to be invited in the case of :

- i. the supply of gas, electricity, water, sewerage and telephone services;
- ii. specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
- iii. work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
- iv. work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
- v. additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
- vi. goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

42.7 Receipt and custody

Where tenders are invited, no tender will be considered unless contained in a plain envelope which shall be securely sealed and shall bear the word "Tender" followed by the subject to which the Tender relates, but shall not bear any distinguishing matter or mark intended to indicate the identity of the sender, and prospective Tenderers shall be notified accordingly.

Such envelope shall be addressed to the Town Clerk and until the time appointed for its opening shall remain in the custody of the Officer to whom it is addressed.

42.8 Opening

Tenders shall be opened at one time and by not less than the Clerk and at least one Member of the Council.

42.9 Late tenders

Any Tender submitted in competition and received after the specified time shall be returned promptly to the Tenderer by the Town Clerk.

The Tender may be opened to ascertain the name of the Tenderer, but no details of the Tender shall be disclosed.

42.10 Acceptance

A Tender other than the lowest Tender, if payment is to be made by the Council, or the highest Tender, if payment is to be received by the Council shall not be accepted until the Council shall have considered a report from the responsible Financial Officer.

43. CODE OF CONDUCT ON COMPLAINTS

43.1 Upon notification by the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 38, above, report this to the council.

43.2 Where the notification above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 43.3 below.

43.3 The Council may:

i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;

ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

iii. Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

44.1 Any or every part of these Standing Orders, except those printed in bold type may be suspended by resolution in relation to any specific item of business.

44.2 A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of the Council.

44. STANDING ORDERS TO BE GIVEN TO MEMBERS

45.1 A copy of these Standing Orders shall be given to each Member by the Clerk upon delivery to him/her of the Member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

Note: Text appearing in **bold type** signifies that these Standing orders are laid down by Act of Parliament and cannot be altered.

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